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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOEL P. MOYER, et al.,	:	CASE NO.: C-1-01-140
	:	
Plaintiff,	:	Judge Weber
	:	
v.	:	ANSWER OF HUMANA/CHOICECARE
	:	TO THIRD AMENDED COMPLAINT
PEOPLE TO PEOPLE INTERNATIONAL,	:	AND CROSS CLAIM
INC, et al.,	:	
Defendants.	:	
	:	
	:	
	:	

Now comes Defendant, Humana/ChoiceCcare as a health claims administrator for the Proctor & Gamble employee benefit plan (hereinafter "Choicecare"), by and through counsel, and for its answer and cross claim herein states as follows:

ANSWER

1. ChoiceCare admits the allegations in paragraphs 1 through 7.
2. ChoiceCare admits and denies the allegations in paragraph 8 in accordance with its admission and denials set forth above.
3. ChoiceCare admits the allegations in paragraphs 9 through 57.
4. ChoiceCare admits and denies the allegations in paragraph 58 in accordance with its admissions and denials set forth above.
5. Choicecare admits the allegations in paragraph 59 through 61.
6. ChoiceCare admits and denies the allegations in paragraph 62 in accordance with its admissions and denials set forth above.
7. ChoiceCare admits the allegations in paragraphs 63 and 64.
8. ChoieCare admits and denies the allegations in paragraph 65 in accordance with its admissions and denials set forth above.
9. ChoiceCare admits the allegations in paragraph 66 through 68.

10. ChoiceCare admits and denies the allegations in paragraph 69 in accordance with its admissions and denials set forth above.

11. ChoiceCare admits the allegations in paragraphs 70 and 71.

12. ChoiceCare admits and denies the allegations in paragraph 72 in accordance with its admissions and denials set forth above.

13. ChoiceCare admits the allegations in paragraphs 73 through 81.

14. ChoiceCare admits and denies the allegations in paragraph 82 in accordance with its admissions and denials set forth above.

15. ChoiceCare admits the allegations in paragraphs 83 through 88.

16. ChoiceCare admits and denies the allegations in paragraph 89 in accordance with its admissions and denials set forth above.

17. ChoiceCare admits the allegations in paragraph 90 and further states that it has paid \$40,362.37 in claims to or on behalf of Plaintiff Joel E. Moyer and states that it may pay additional claims in the future.

18. ChoiceCare admits the allegations in paragraph 91.

DEFENSES

19. Plaintiff's complaint against ChoiceCare fails to state claim upon which relief can be granted.

WHEREFORE Humana/ChoiceCare demands that the complaint against it be dismissed at Plaintiffs' costs and that its rights of subrogation be enforced.

CROSS CLAIM

1. At all times relevant hereto, ChoiceCare was a health claims administrator for the Proctor & Gamble Company employee benefit plan. Plaintiff Joel P. Moyer was a covered person under that plan.

2. As a health claims administrator, ChoiceCare is the assignee and subrogee of Plaintiff Joel P. Moyer.

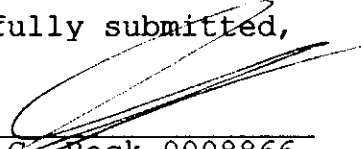
3. On or about July 16, 1999, Plaintiff Joel P. Moyer was assaulted as set forth in Plaintiffs' complaint and on December 31, 1999 Joel P. Moyer was injured as set forth in Plaintiffs' complaint. Joel P. Moyer's injuries were directly and proximate result of the negligence, actions and vicarious liability of Defendant Ambassador Programs, Inc. as more fully set forth in

Plaintiffs' complaint herein. Those allegations of Plaintiffs' complain are incorporated herein by reference.

4. As a direct and proximate result of the actions of Defendant Ambassador Programs, Inc., Plaintiff Joel P. Moyer incurred medical expenses in excess of \$141,553.23.

5. Pursuant to the Proctor & Gamble employee benefit plan, ChoiceCare was required to and did pay to or on behalf of Joel P. Moyer, \$40,362.37 and thereby became subrogated in that amount. ChoiceCare further states that it may pay additional claims in the future.

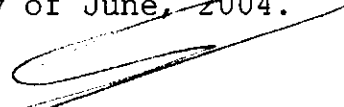
Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by regular U.S. mail this 10th day of June, 2004.



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